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UNITED STATES PATENT & TRADEMARK OFFICE  
UNDER SECRETARY OF COMMERCE FOR  
INTELLECTUAL PROPERTY AND DIRECTOR OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE  
Washington, D.C. 20231

Mark C. Jacobs, Esq.  
3033 El Camino Avenue  
Sacramento, CA 95821

In re Application of  
Phillip Apple  
Application No. 09/541,647  
Filed: April 3, 2000  
For: CLOSEABLE THATCHED UNBRELLA

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:  
: DECISION ON PETITION  
: TO WITHDRAW THE  
: HOLDING OF ABANDONMENT

This is in reply to applicant's petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office on October 1, 2002 and supplemented on October 16, 2002. There is no fee for this petition.

The petition is **GRANTED**.

A review of the file record indicates that an Office action was mailed on March 13, 2002 wherein a three-month shortened statutory period for response was set. Since no response has been matched with the file, the application is technically abandoned, although no Notice of Abandonment has been mailed.

Applicant's petition includes a copy of an amendment bearing a Certificate of Mailing date of June 11, 2002 signed by Mark Jacobs. The petition includes a statement by Mark Jacobs attesting to the personal knowledge of mailing the response on June 11, 2002. This is acceptable evidence that a timely response was filed.

Since a timely response to the Office letter was filed, the holding of abandonment is withdrawn and the application is restored to pending status. The application is being forwarded to the Supervisory Legal Instruments Examiner for entry of the response and then to the Primary Examiner for prompt action on the merits of the claims.

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Kenneth J. Dorner at (703) 308-0866.

A handwritten signature in cursive script, reading "Kenneth J. Dorner".

Kenneth J. Dorner  
Special Programs Examiner  
Patent Technology Center 3600  
(703) 308-0866

Kjd: 10/18/02